



12/1/05

## MESSAGES FROM THE HOUSE

### **HB 4325 (Mortimer)**

HB 4325 would restrict the performance of needle electromyography (EMG) or the interpretation of nerve conduction tests to specially-trained licensed physicians. According to physicians' societies, the practice of medicine continues to be eroded by attempts to expand the scope of practice of ancillary health care professions. Supporters of such efforts believe that allowing allied health professionals to perform procedures historically done only by physicians improves patient access and lowers health care costs. However, physicians believe that these efforts decrease the level of safety and quality of care. In the end, poor patient outcomes increase health care costs and spur malpractice actions.

Support: Michigan State Medical Society, Michigan Neurological Association and Henry Ford Hospital, Michigan Academy of Physical Medicine and Rehabilitation, American Academy of Neurology, American Association of Neuromuscular and Electrodiagnostic Medicine, Lansing Orthopedic PC, Michigan Chiropractic Society.

Oppose: Michigan Physical Therapy Association.

Neutral: Michigan Nurses Association, Michigan Department of Community Health.

- The Senate agreed to the House changes on HB 4325 [RC 621: 25 yes, 10 no].

## FINAL PASSAGE

### **SB 625 (McManus)**

### **HB 4959 (Ward)**

Senate Bill 625 would amend the Michigan Liquor Control Code to do the following: Authorize the Liquor Control Commission to grant a direct shipper permit that would allow wine makers holding certain licenses to engage in the sale, delivery, or importation of wine to retail customers. Make the retail sale, delivery, or importation of wine by mail order, internet, or other electronic means, subject to the criteria that presently apply to the sale, delivery, or importation of alcoholic liquor by those means; and require the retailer to have a direct shipper permit. Limit the retail sale, delivery, or importation of wine by electronic means to 24 cases annually per retailer.

- Committee 1 (S-1) was adopted.

- SB 625 was moved to 3<sup>rd</sup> reading of Bills.
- SB 625 was passed [RC 636: 35 yes, 0 no].

House Bill 4959 would amend the Michigan Liquor Control Code to do the following: Authorize the Liquor Control Commission to grant a direct shipper license that would allow wine makers holding certain licenses to engage in the sale, delivery, or importation of wine to retail customers. Allow only a licensed direct shipper to sell, deliver, or import wine by mail order, internet, or other electronic means, and establish criteria for the retail sale of wine by those means. Limit the retail sale, delivery, or importation of wine by a direct shipper to consumers in the State to not more than 4,500 liters annually. Create the "Direct Shipper Enforcement Revolving Fund". State a legislative intent that the direct shipment of wine be prohibited if any part of the bill were held invalid or unconstitutional. ("Direct shipper" would mean a person who engages in the sale, delivery, or importation of wine to a retail customer through the use of any mail order, internet, telephone, computer, device, or other electronic means.)

- Committee 1 (S-1) was adopted.
- Jelinek 1A (2 amends) was defeated.
- HB 4959 was moved to 3<sup>rd</sup> reading of Bills.
- HB 4959 was passed with IE [RC 637: 34 yes, 0 no].

**SB 783 (Bishop)**

**HB 5176 (Acciavitti)**

**HB 5177 (Pavlov)**

**HB 5178 (Palsrok)**

## FOREIGN SOLID WASTE PROHIBITION

The bills would prohibit a person from delivering for disposal in a landfill or incinerator municipal solid waste (MSW) that was generated outside of the United States. Prohibit a landfill or incinerator owner or operator from accepting for disposal MSW that was generated outside of the United States. Provide that the prohibitions would not apply unless Congress enacted legislation authorizing them. Establish a felony penalty for a person who knowingly committed a violation. Require a court to order a violator to return, or pay to the State the cost of returning, the solid waste that was the subject of the violation.

Senate Bill 783, in addition to any other relief provided by this section, the court would have to order a person who knowingly violated the provisions of HB 5176 would have to return, or pay to the State an amount equal to the cost of returning, the solid waste that was the subject of the violation, to the country where it was generated. The person also would be liable for any damage to roads, streets, or other public infrastructure caused by the violation.

- *Committee 1 (S-1) was adopted.*
- *SB 783 was moved to 3<sup>rd</sup> reading of Bills.*
- **SB 793 was passed [RC 623: 35 yes, 0 no].**

House Bill 5176 would prohibit a person from delivering for disposal in a landfill or incinerator in this State, municipal solid waste, including MSW incinerator ash, that was generated outside of the United States. The bill also would prohibit the owner or operator of a landfill or incinerator in Michigan from accepting for disposal MSW, including MSW incinerator ash, that was generated outside of the United States.

- *Brater 1a was not adopted.*
- *Brater 1b was not adopted.*

- *Committee 1 (S-1) was adopted.*
- *HB 5176 was moved to 3<sup>rd</sup> reading of Bills.*
- *Brater 1 (1 amend) was defeated [RC 624: 10 yes, 25 no]. Tie-bar to SB 256 (Brater): This would impose a fee on trash and use the money to fund local recycling programs.*
- *Brater 2 (1 amend) was defeated [RC 625: 12 yes, 23 no]. Tie-bar to HB 4760: Moratorium on new landfills and expansion of existing landfills.*
- *HB 5176 was passed with IE [RC 626: 34 yes, 1 no].*

House Bill 5177, a person who knowingly violated the provisions of HB 5176 would be guilty of a felony punishable by imprisonment for up to two years and/or a fine of up to \$5,000.

- *HB 5177 was moved to 3<sup>rd</sup> reading of Bills. No amendments.*
- *HB 5177 was passed with IE [RC 627: 35 yes, 0 no].*

House Bill 5178, the felony would be a offense against public safety with a statutory maximum sentence of two years.

- *HB 5178 was moved to 3<sup>rd</sup> reading of Bills. No amendments*
- *HB 5178 was passed with IE [RC 628: 35 yes, 0 no].*

**SB 829 (Allen)**

**SB 830 (Allen)**

**SB 831 (Allen)**

**SB 832 (Allen)**

## MACKINAC BRIDGE AUTHORITY

The bills would amend various statutes concerning the Mackinac Bridge Authority to do the following: Repeal a section transferring the operation of the Mackinac Bridge to the State Highway Department upon the repayment of refunding bonds issued by the MBA. Transfer the MBA to the MDOT as an autonomous entity within the Department. Eliminate a provision designating the State Treasurer the treasurer of the MBA; require the MBA board to elect a member to serve as treasurer; and require the MBA to determine the manner of investing funds. Allow the MBA to contract with any agency, including MDOT, for business and related management functions necessary to assure the bridge's continued operation.

Senate Bill 829 would repeal existing law that requires the transfer of the Mackinac Bridge to the State Highway Department or its successor (MDOT) once the bonds have been paid.

- *Allen 1 (S-1) was adopted.*
- *SB 829 was moved to 3<sup>rd</sup> reading of Bills.*
- *SB 829 was passed [RC 629: 35 yes, 0 no].*

Senate Bill 830 would state that the Mackinac Bridge Authority, with all its statutory authority, powers, duties, functions, records, personnel, property, unspent balances of appropriations, allocations, or other funds, including the functions of budgeting and procurement and management-related functions, would be transferred to and would be an autonomous entity in MDOT.

- *Allen 1a was adopted.*
- *Allen 1 (S-1) as amended was adopted*
- *SB 830 was moved to 3<sup>rd</sup> reading of Bills.*

- Allen 1 (2 amends) was withdrawn.
- Allen 2 (2 amends) was adopted [no RC].
- SB 830 was passed [RC 630: 35 yes, 0 no].

Senate Bill 831 would amend the Mackinac Bridge Authority statute allow for the seventh member of the Authority to be the MDOT director or designee. Current law refers to the State Highway Commissioner. It would also require the MBA to appoint a treasurer from among its members and require the MBA to determine fund investments. Current law requires the State Treasurer to be the MBA treasurer and to invest funds as with any other state funds. Finally, the bill extends the authority of the MBA to hire employees to contract employees.

- *Allen 1 (S-1) was adopted.*
- *SB 831 was moved to 3<sup>rd</sup> reading of Bills.*
- **SB 831 was passed [RC 631: 35 yes, 0 no].**

Senate Bill 832 would amend the statute authorizing the Mackinac Bridge Authority to acquire a bridge so that the authority has in its sole discretion the power to contract with any agency for business planning services, inspections, maintenance and repairs, and other services the authority may deem necessary to assure the continued operation of the Bridge.

- *Allen 1 (S-1) was adopted.*
- *SB 832 was moved to 3<sup>rd</sup> reading of Bills.*
- **SB 832 was passed [RC 632: 35 yes, 0 no].**

**SB 892 (Hardiman)**

**SB 893 (Cropsey)**

**SB 894 (Coleman)**

## FAMILY INDEPENDENCE PLANS

Senate Bill 892 establishes a family independence plan which identifies compliance goals for the recipient. The plan will outline the goals, responsibilities, expectations and sanctions that the recipient shall be under a contractual obligation to follow and meet. The plan will also list the family's current barriers to employment and self sufficiency. Each time a recipient meets with DHS or Work First, the recipient will review, date and sign the family independence plan. If a participant is unable to find employment, they must participate in training or counseling for not less than 10 hours a week in any of these areas approved by the Work First caseworker: marriage, fatherhood, parenting, self-improvement, substance abuse, or volunteer activities. This bill would allow DHS to exempt any individual from Work First participation only if the individual is able to document a limitation, disability, or illness that would prevent them from participating in substantial gainful activity for at least 12 months.

- **Committee 1 (S-1) was adopted.**
- **Hardiman 1A (1 amend) was adopted.**
- **Hardiman 1B (1 amend) was adopted.**
- **Hardiman 1C (2 amends) was adopted.**
- **Hammerstrom 1D (2 amends) was adopted.**
- **SB 892 was moved to 3<sup>rd</sup> reading of Bills.**
- **SB 892 passed [RC 633: 31 yes, 3 no].**

Senate Bill 893 would prohibit the DHS from changing the amount of assistance provided to a recipient based on family size more than once in a 36-month period. The Committee adopted an amendment that would institute a 48 month lifetime limit on cash assistance, with a possible 12 month extension at the discretion of the department. The Committee also adopted an amendment that would require the Department of Human Services to make available educational and informational materials available on adoption.

- Committee 1 (S-1) was adopted.
- Jacobs 1A (1 amend) was defeated. This would have will allowed DHS to extend cash benefits at their discretion (as opposed to the 12 month limit currently in the substitute).
- Hardiman 1B (1 amend) was adopted.
- Hardiman 1C (2 amends) was adopted.
- SB 893 was moved to 3<sup>rd</sup> reading of Bills.
- SB 893 passed [RC 634: 24 yes, 11 no].

Senate Bill 894 would require an individual to undergo an initial assessment of certain skills and abilities before receiving family independence assistance; and to require an individual lacking basic life skills necessary to maintain employment to be referred for additional assessment and training in basic life skills.

- Committee 1 (S-1) was adopted.
- SB 894 was moved to 3<sup>rd</sup> reading of Bills.
- SB 894 passed [RC 635: 35 yes, 0 no].

**SB 895 (Johnson)**

**SB 896 (Johnson)**

**SB 897 (Kuipers)**

**SB 898 (Kuipers)**

- SBs 895-98 were discharged from committee, the rules suspended, and the bills taken up on General Orders [RC 638: 20 yes, 12 no].

SB 895 would require that medical, optical and dental benefits provided to school district, public school academy, urban high school academy, strict discipline academy or intermediate school district employees be in accordance with the School Employees Health Benefit Act created by Senate Bill 896.

- Kuipers 1 (S-1) was adopted.
- SB 895 was moved to 3<sup>rd</sup> Reading.
- SB 895 passed [RC 641: 23 yes, 12 no (DEMS)].

SB 896 would create a board of directors to administer the catastrophic stop loss benefit plan and the catastrophic stop loss fund. The board has nine directors, eight of whom are appointed by the Governor with advice and consent of the Senate.

- Kuipers 1 (S-1) was adopted.
- George 1A was adopted.
- George 1B was adopted.
- Johnson 1C was adopted.
- SB 896 was moved to 3<sup>rd</sup> Reading.
- Jacobs 1 was defeated [RC 639: 13 yes, 22 no (gop)]. Tie-bar to SB 731 (Jacobs): Prohibit the use of tobacco products on school property.

- Jacobs 2 was defeated [no RC].
- SB 896 passed [RC 640: 22 yes (gop), 13 no].

SB 897 would include school districts, academies and Intermediate School Districts as allowable self-insurers if they are providing benefits in accordance with Senate Bill 896.

- Kuipers 1 (S-1) was adopted.
- SB 897 was moved to 3<sup>rd</sup> Reading.
- SB 897 passed [RC 642: 24 yes, 11 no (DEMS)].

SB 898 would require that medical, optical and dental benefits provided to community college employees and their dependents must be in accordance with Senate Bill 896.

- Kuipers 1 (S-1) was adopted.
- SB 898 was moved to 3<sup>rd</sup> Reading.
- SB 898 passed [RC 643: 24 yes, 11 no (DEMS)].

### **HB 5046 (Mortimer)**

House Bill 5046 allow emergency medical technicians to arrive at the scene of an accident separately from the basic ambulance or other vehicle carrying the life support equipment. In rural areas, emergency medical technicians may be closer to an accident site when a call comes in for help, but may have to travel some distance away to the station. To require them to go to the station first wastes valuable time. The intent of the bill is to allow the EMT to go directly to the accident site while another person drives the emergency vehicle to the site thus lowering the response time. Amended in the House committee to make this provision subject to local control.

- *HB 5046 was moved to 3<sup>rd</sup> reading of Bills. No amendments.*
- HB 5046 was passed with IE [RC 622: 35 yes, 0 no].

## **THIRD READING**

### **SB 208 (Toy)**

SB 208 would allow a municipality to seek reimbursement from any person who is or was a convicted inmate in the municipal jail or in county jail, within a county that has a population of 1 million or more, for expenses incurred by the municipality in relation to the incarceration of that person.

- Committee 1 (S-1) was adopted.
- SB 208 was moved to 3<sup>rd</sup> reading of Bills.

### **HB 4577 (Law)**

House Bill 4577 would allow any person to bring a civil action on the state's behalf to recover losses due to Medicaid fraud. The Attorney General could later decide to take primary responsibility for the action. This bill would also would provide "whistleblower" protections and allow successful plaintiffs to retain a percentage of monetary proceeds resulting from the action.

- Committee 1 (S-1) was adopted.

- Cropsey 1A (1 amend) was adopted.
- HB 4577 was moved to 3<sup>rd</sup> reading of Bills.

#### **HB 5268 (Meyer)**

#### **HB 5269 (Nofs)**

### **TORTURE PROHIBITION**

House Bill 5268 would amend the Michigan Penal Code to specify that a person who inflicted great bodily injury or severe mental pain or suffering upon another person within his or her custody or physical control, with the intent to cause cruel or extreme physical or mental pain and suffering, would be guilty of torture. The felony would be punishable by imprisonment for life or any term of years. Proof that a victim suffered pain would not be an element of the crime. A conviction or sentence under the bill would not preclude a conviction or sentence for a violation of any other law arising from the same transaction. Under the bill, "great bodily injury" would mean either "serious impairment of a body function", as defined in the Michigan Vehicle Code, or one or more of the following conditions: internal injury, poisoning, serious burns or scalding, severe cuts, or multiple puncture wounds.

- Committee 1 (S-1) was adopted.
- HB 5268 was moved to 3<sup>rd</sup> reading of Bills.

House Bill 5269 would amend the Code of Criminal Procedure to add the felony of torture to the sentencing guidelines. Torture would be a Class A felony against a person, with a statutory maximum sentence of imprisonment for life.

- HB 5269 was moved to 3<sup>rd</sup> reading of Bills. No amendments.

#### **HB 5275 (Newell)**

#### **HB 5276 (Nofs)**

#### **HB 5277 (Condino)**

House Bill 5275 would amend the L.E.I.N. Policy Council Act to replace the Law Enforcement Information Network (LEIN) Policy Council with the Criminal Justice Information System (CJIS) Policy Council, which would have an expanded membership. The bill would require the council to exercise its prescribed powers, duties, functions, and responsibilities independently of the Director of the Department of State Police. The council's budgeting, procurement, and related management functions, however, would have to be performed under the Director's direction and supervision. In addition, the executive secretary of the council would have to be appointed by the Director, subject to the council's approval

- HB 5275 was moved to 3<sup>rd</sup> reading of Bills. No Amendments.

House Bill 5276 would amend the fingerprinting law to specify that all criminal history information that was associated with a State identification number and was supported by fingerprint impressions or images would have to be disseminated in response to a fingerprint-based or name-based search of the criminal history record database. This provision, however, would not require the dissemination of criminal history information that was nonpublic or was prohibited by law from being disseminated.

- HB 5276 was moved to 3<sup>rd</sup> reading of Bills. No Amendments.

House Bill 5277 would amend the L.E.I.N. Policy Council Act to do all of the following: Require the council to establish policy and promulgate rules governing information in criminal justice information systems. Require the council to advise the Governor on issues concerning criminal justice information systems. Prohibit a person from gaining access to, using, or disclosing nonpublic information governed under the Act for personal use or gain (which would replace the current prohibition against disclosing LEIN information to a private entity for any purpose); and apply the criminal penalties only to intentional violations. Prohibit the disclosure of Automated Fingerprint Identification System (AFIS) and other criminal justice system information (as well as LEIN information) in an unauthorized manner. Allow the Attorney General, a prosecuting attorney, or the court to disclose to a defendant or defense counsel information pertaining to that defendant that was obtained from LEIN.

- HB 5277 was moved to 3<sup>rd</sup> reading of Bills. No Amendments.

## ADVISE / CONSENT

### State Librarian

- The Senate confirmed the appointment of Nancy R. Robertson as the State Librarian [RC 620: 34 yes, 0 no].